

Guyvan P. Some issues of the temporal coordinates of fair trial

The work is devoted to the study of topical issues of compliance by the national judicial system with reasonable terms of cases. The content of the relevant European requirement, which is an element of fair trial, has been clarified. The interpretation of the requirement of the Convention for the Protection of Human Rights and Fundamental Freedoms that the duration of production should be reasonable is given. The practice of the ECHR has been studied, which establishes a set of factors that can influence the legal certainty of the temporal characteristics of fair trial. Non-compliance with them allows us to conclude that the state violated the human right to consider his case within a reasonable time. It is important that such violation will be fixed and there will be a responsibility, even though the case will in the end be considered, and the interests of the person will be protected. Because all the same, the right to timely consideration will be violated, the implementation of which is sometimes more important than the formal protection of material authority.

It is concluded that reasonable time limits allow to establish the boundary of the state of uncertainty in which the participants of the process are located. Some factors are analyzed, leading to a protracted process: both objective and subjective. On practical examples it is proved that an unreasonable delay in the consideration of a case is often connected with the illegal refusal of the court to accept the statement of claim, the return of the appeal or cassational appeal.

The content of the concept "the right to access to court" is also analyzed. Unlike the right to a fair trial, the right to access to court is not absolute. It may be subject to restrictions permitted by content, since the right to access to a court by its very nature requires regulation by the state. This includes time constraints, financial burdens, requirements for the form of treatment, and the like. So, assessing the possibility of restricting access to a court in connection with a person's failure to comply with legal procedural requirements, the court must examine how far the limitations are established with the socially acceptable requirements, expediency and morality of such restrictions in each particular case. The violation will result in an act where the applicant was denied access to the court by leaving her complaint without consideration, and thus the principle of proportionality was violated as an element of fair trial. It was established that the groundless ignoring by the courts of Ukraine of procedural restrictions in access to court, if there are no factors of proportionality and proportionality between them and a socially significant goal, is a violation of the pairs. 1 of Article 6 of the Convention. It has been established that the illegal restoration of the time limits for appealing judgments that have long entered into force are also quite widespread in the national legal proceedings.

It points to significant changes in the national procedural legislation aimed at avoiding and preventing an unjustified delay in the process. Now the question will be the practical application of these norms in the implementation of legal proceedings.

Key words: fair trial, reasonable time, timely legal proceedings.